

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DONALD V. PORRECA,

Plaintiff,
v.

19cv0854
ELECTONICALY FILED
[LEAD CASE]

ALTERNATIVE ENERGY
HOLDINGS, LLC, KEVIN T.
CARNEY, ROBERT IREY,
JONATHAN FREEZE, DODARO,
MATTA & CAMBEST, P.C., DMC
BRADLEY, MICHAEL J. HAMMOND,
and STEVEN M. TOPRANI,

Defendants.

RYAN S. SEIFERT,

Plaintiff,
v.

19cv1078
[MEMBER CASE]

ALTERNATIVE ENERGY HOLDINGS,
LLC, ET AL.,

Defendants.

MICHAEL K. GELLER,

Plaintiff,
v.

19-cv-1083
[MEMBER CASE]

ALTERNATIVE ENERGY HOLDINGS,
LLC, ET AL.,

Defendants.

RONALD C. SCHMEISER,

19-cv-1085

[MEMBER CASE]

Plaintiff,

v.

ALTERNATIVE ENERGY HOLDINGS,
LLC, ET AL.,

Defendants.

DARREN BURROW,

19-cv-1534

[MEMBER CASE]

Plaintiff,

v.

ALTERNATIVE ENERGY HOLDINGS,
LLC, ET AL.,

Defendants.

JACK LEVIN,

20-cv-0079

[MEMBER CASE]

Plaintiff,

v.

ALTERNATIVE ENERGY HOLDINGS, LLC,
ET AL., Defendants.

ORDER OF COURT

Before the Court is a motion filed by Defendant Caitlin Insurance Company. In its Motion, Defendant indicates that it is not seeking a reconsideration of the Court's prior Order to consolidate the matters set forth in the caption above; rather, Defendant is essentially seeking a clarification of the consolidation order and/or assurances that "parties to the Underlying Lawsuits do not obtain rights with respect to the Declaratory Judgment Action that they would not otherwise have and so that the Declaratory Judgment Action can proceed with unnecessary delay, cost, or prejudice to the parties." ECF 144-1, p. 5.

As noted by Defendant Catlin, the germane issue in the Declaratory Judgment Action is whether a “claim” (as that term is defined by the policy) was made against the insured (the DMC parties) while Catlin’s policy of insurance was in effect. In order to determine if a “claim” was made during the effective period of Catlin’s insurance policy information concerning what the DMC parties knew, when the DMC parties came to possess the relevant knowledge, what action(s) the DMC parties took with respect to placing Catlin on notice of the [perceived] claim, and when that notice was placed, are all relevant areas of inquiry in the Declaratory Judgment Action. Discoverable information from the Underlying Actions will assist the parties and the trier of fact in the Declaratory Judgment Action arrive at answers to those inquiries.

Having presided over numerous Declaratory Judgment Actions involving insurance coverage disputes, this Court elected to consolidate the Underlying Matters with the Declaratory Judgment Matter as a matter of judicial economy. Defendant Catlin’s concern that the legal process of consolidating the underlying cases with its own case would vest rights of any kind with any litigant, who is a non-party to the insurance contract, is misplaced. This Court will proceed with this consolidated case in a timely manner. The Court finds no need to issue separate scheduling orders for discovery motions among the consolidated matters. Moreover, the fact that the Court has consolidated this case does not prevent any party from filing a Rule 56 dispositive motion, at any time, on any issue(s). Finally, to the extent that Defendant Catlin’s Motion seeks separate trials for the Declaratory Judgment Action and the Underlying Actions, that request is premature.

Therefore, to the extent that Defendant Catlin’s Motion sought clarification of the Court’s prior Order ([ECF 143](#)), that portion of the Motion has been GRANTED, but is DENIED in all other respects without prejudice.

IT IS SO ORDERED.

SO ORDERED, this 30th day of July, 2020.

s/ Arthur J. Schwab

Arthur J. Schwab

United States District Court Judge

cc: All ECF Counsel of Record